IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2618 OF 2005

Kisan Janu Andher ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.K.M. Sangani, for the Applicant.

Mr.K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

25th April 2005

P.C.:

. Heard Counsel for the parties. Perused the record. I see no reason to depart from the conclusion reached by the Court below in rejecting the application for bail preferred by the present Applicant. Counsel for the Applicant, however, contends that accepting the prosecution case as it is, at best, the Applicant could be said to have assaulted the complainant

without using any weapon, which is iron rod and sticks, which weapons were held by the co-accused and they assaulted the complainant by the said weapons. It is further argued that the complainant is a history sheeter and has falsely implicated the Applicant.

. None of the arguments canvassed before me can be accepted to consider the prayer for bail preferred by the present Applicant. There are eye witnesses who have deposed about the role of the Applicant. He has participated in assaulting the complainant. The prosecution case is that the Applicant had motive to assault the complainant. The fact that the complainant himself is a history sheeter cannot be the basis to grant bail to the present Applicant. On the other hand, insofar as the present Applicant is concerned, six offences have been registered against him. Taking overall view of the matter, and the offence being serious one, not a case for bail. Hence, rejected.

. As prayer for bail is rejected, the Sessions Judge, Thane, is directed to assign the

case to Fast Track Court, if not already done, to ensure early disposal of trial. In case, Fast Track Court is not available for any reason, the trial Judge shall ensure that the case is disposed of at the earliest, preferably in nine months from the receipt of writ of this Court as High Court Expedited Case.

(A.M.KHANWILKAR,J.)